

**UNITED STATES DEPARTMENT OF COMMERCE****United States Patent and Trademark Office**Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
CN

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/465,946 12/17/99 WRIGHT

S CS1062#SP

<input type="checkbox"/>	EXAMINER
--------------------------	----------

QM12/0727

BRUCE S SHAFIRO TW199
PATENT DEPARTMENT
THE BLACK & DECKER CORPORATION
701 EAST JOPPA ROAD
TOWSON MD 21286

TRAN. K ART UNIT	PAPER NUMBER
---------------------	--------------

3724
DATE MAILED:

07/27/01

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Advisory Action	Application No.	Applicant(s)	
	09/465,946	WRIGHT, STUART	
	Examiner Kim Tran	Art Unit 3724	
--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --			
<p>THE REPLY FILED 10 July 2001 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may <u>only</u> be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.</p>			
<u>PERIOD FOR REPLY [check only a) or b)]</u>			
<p>a) <input checked="" type="checkbox"/> The period for reply expires <u>3</u> months from the mailing date of the final rejection.</p> <p>b) <input type="checkbox"/> In view of the early submission of the proposed reply (within two months as set forth in MPEP § 706.07 (f)), the period for reply expires on the mailing date of this Advisory Action, OR continues to run from the mailing date of the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.</p>			
<p>Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).</p>			
<p>1. <input type="checkbox"/> A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37CFR 1.191(d)), to avoid dismissal of the appeal.</p> <p>2. <input type="checkbox"/> The proposed amendment(s) will be entered upon the timely submission of a Notice of Appeal and Appeal Brief with requisite fees.</p> <p>3. <input type="checkbox"/> The proposed amendment(s) will not be entered because:</p> <ul style="list-style-type: none"> (a) <input type="checkbox"/> they raise new issues that would require further consideration and/or search. (see NOTE below); (b) <input type="checkbox"/> they raise the issue of new matter. (see Note below); (c) <input type="checkbox"/> they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) <input type="checkbox"/> they present additional claims without canceling a corresponding number of finally rejected claims. <p>NOTE: _____.</p>			
<p>4. <input type="checkbox"/> Applicant's reply has overcome the following rejection(s): _____.</p> <p>5. <input type="checkbox"/> Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).</p> <p>6. <input checked="" type="checkbox"/> The a)<input type="checkbox"/> affidavit, b)<input type="checkbox"/> exhibit, or c)<input checked="" type="checkbox"/> request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>Please see attachment</u>.</p> <p>7. <input type="checkbox"/> The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.</p> <p>8. <input checked="" type="checkbox"/> For purposes of Appeal, the status of the claim(s) is as follows (see attached written explanation, if any):</p> <p>Claim(s) allowed: <u>9-12 and 16</u>.</p> <p>Claim(s) objected to: _____.</p> <p>Claim(s) rejected: <u>13 and 15</u>.</p> <p>Claim(s) withdrawn from consideration: _____.</p>			
<p>9. <input type="checkbox"/> The proposed drawing correction filed on _____ a)<input type="checkbox"/>has b)<input type="checkbox"/> has not been approved by the Examiner.</p> <p>10. <input type="checkbox"/> Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.</p> <p>11. <input type="checkbox"/> Other: _____</p>			

Advisory Action

1. Applicant's request for reconsideration has been fully considered, however is not deemed persuasive. It is the Examiner's position that the Applicant's claims do not over^{read}
come the prior art of Atkinson. Applicant contends that the sole plate of Atkinson's device is nowhere out of contact with the workpiece under operation. The Examiner disagrees. Figures 6 and 7 demonstrates that the power saw may be utilized in various positions and shows the sole plate in contact with the work piece. However, that does not mean the power saw may not be utilized in another manner such that the sole plate is not contact with the workpiece. For instance, an operator may use the power saw for cutting a workpiece such as wallboard or other free standing wall structure that does not necessarily require the sole plate to be in contact with the workpiece.

For the reasons above, the rejection is deemed proper.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim Tran whose telephone number is 703-305-2597. The examiner can normally be reached on Monday through Friday from 8-5:30 pm.
3. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 703-308-2187. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-2597 for regular communications and 703-305-9835 for After Final communications.

Application/Control Number: 09/465,946
Art Unit: 3724

Page 3

4. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.



knt
July 26, 2001



Rinaldi I. Rada
Supervisory Patent Examiner
Group 3700